

MINUTES

REGULAR MEETING OF THE NEWTON CITY COUNCIL – JUNE 1, 2010

The regular meeting of the Newton City Council was held on Tuesday, June 1, 2010 at 7:00 p.m. in the Council Chambers at City Hall with the following present: Mayor Robert A. Mullinax and Council Members Wayne Dellinger, Mary Bess Lawing, Tom Rowe, Bill Lutz, Robert C. Abernethy, Jr., and Mayor Pro Tem Anne Stedman.

Also in attendance were City Manager Todd Clark, City Attorney Larry Pitts, City Clerk Beunice R. “Bootsie” Roberts, City Department Heads, and members of the Management Team.

ITEM 1. CALL TO ORDER – ROBERT A. MULLINAX:

Mayor Mullinax called the meeting to order and welcomed everyone to the meeting.

ITEM 2. OPENING – COUNCIL MEMBER BILL LUTZ:

Council Member Bill Lutz gave the invocation and led the audience in the Pledge of Allegiance.

ITEM 3. APPROVAL OF MINUTES FROM THE MAY 18, 2010 REGULAR COUNCIL MEETING AND THE MINUTES FROM THE MAY 20, 2010 BUDGET WORK SESSION:

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Bill Lutz, and unanimously adopted to approve the minutes from the May 18, 2010 regular meeting and the minutes from the May 20, 2010 Fiscal Year 2010-2011 Budget Work Session as submitted.

ITEM 4. CONSIDERATION OF CONSENT AGENDA ITEMS:

Mayor Mullinax gave special recognition to the Flag Day Proclamation which appropriately follows the celebration of Memorial Day remembering those who sacrificed their lives in all wars; and congratulated the Newton-Conover 2A Tennis Team on behalf of the City of Newton and the City of Conover, for winning the STATE 2A MEN’S TENNIS CHAMPIONSHIP.

A motion was made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Tom Rowe, and unanimously adopted to approve the Consent Agenda Items as submitted.

- A. Consideration of Flag Day Proclamation – June 14, 2010**
- B. Consideration of a Resolution from the City of Newton and the City of Conover recognizing the Newton-Conover High School Tennis Team as the 2A State Men’s Tennis Champions**

**CITY OF NEWTON
RESOLUTION 18-2010**

**CITY OF CONOVER
RESOLUTION 18-10**

**CERTIFICATE OF ACHIEVEMENT
NEWTON-CONOVER HIGH SCHOOL TENNIS TEAM
2010 STATE 2A MEN'S TENNIS CHAMPIONS**

WHEREAS, the Newton-Conover High School Men's Tennis Team captured the State 2A Championship on May 22, 2010 with a 5-0 victory over the Pittsboro Northwood Chargers at the Burlington Tennis Center; and

WHEREAS, Newton-Conover High School was the only public school in North Carolina to go undefeated this season in men's tennis with a 26-0 record, which was the best season in school history; and

WHEREAS, the win against Salisbury on May 20, 2010 was the 100th victory for Coach Brian Tate at Newton-Conover; and

WHEREAS, this year marks the fourth consecutive appearance in the State 2A finals for Newton-Conover High School, with an overall playoff record of 17-3 during that span; and

WHEREAS, the team has had 47 straight Catawba Valley Athletic Conference (CVAC) wins and 50 consecutive victories at home dating back to 2007, with a record of 88-6 over the past four years; and

WHEREAS, Sophomore Ryan Lampe did not lose a singles match all year at #3 singles; and

WHEREAS, Will Huggins and Hang Lak Choi were the State 2A Doubles Champions defeating teammates Ryan Lampe and Dillon Cervantez in the finals; and

WHEREAS, Senior Will Huggins was the CVAC player of the year and team MVP; and

WHEREAS, this is the third straight year in which a Newton-Conover High School team has won a State 2A Championship: 2008 Men's Soccer, 2009 Football, and 2010 Men's Tennis; and

NOW, THEREFORE, BE IT RESOLVED that the Newton City Council, on behalf of the citizens of Newton, and the Conover City Council, on behalf of the citizens of Conover, publicly commends the **Newton-Conover High School Men's Tennis Team** for these outstanding achievements.

Adopted this the 1st day of June, 2010.

Adopted this the 7th day of June, 2010.

Newton Mayor
Robert A. Mullinax

Conover Mayor
Lee E. Moritz, Jr.

Newton City Clerk
Beunice R. (Bootsie) Roberts

Conover City Clerk
Cara C. (Chris) Reed



ITEM 5. PUBLIC HEARING:

A. Consideration of Fiscal Year 2010-2011 City Budget

Mayor Mullinax recessed the Council meeting and called to order a public hearing, as previously scheduled and advertised, on the Fiscal Year 2010-2011 City Budget. Mayor Mullinax said that City Manager Todd Clark has presented the budget to the Council, has filed the budget with the City Clerk, and posted it on the City's website. He said that the Council has held several work sessions and have discussed each item line by line to give the public an opportunity to hear every request presented.

Mayor Mullinax asked if there was anyone in the audience who wanted to speak on the Fiscal Year 2010 -2011 City Budget.

Joe Long, representing the Auditorium Authority and the Newton Depot Authority, said that the mission of these two organizations is to preserve the historic integrity of these properties through assistance from the City and the citizens. Mr. Long gave a brief overview of the proposed upcoming improvements to the Newton Depot, which will be both educational and enjoyable to people of all ages, as well as, stated that the Newton-Conover Auditorium Authority also has upcoming projects. Mr. Long requested continued help and support from the Council for the Newton-Conover Auditorium Authority and the Newton Depot.

Mayor Mullinax said that both the Newton-Conover Auditorium Authority and the Newton Depot are places that make the City special. He said that the Council would do whatever it can in these tough times. Mayor Mullinax asked if anyone from the Council had any questions for Mr. Long and there were none.

Jimmy Martin, Newton fire fighter and city resident, said that he has reviewed the budget in detail and that he could live with the utility rate increases and most of the changes, but he was concerned about the City employees. He requested that the Council not put Special Appropriations requests before the employees. In reference to the swimming pool, Mr. Martin said that the swimming pool is the only entertainment some people have, but understands the situation involving it. He said that his main concern is the employees, the 40-hour furlough.

Mayor Mullinax commented that the furloughs, the elimination of special appropriations, and the swimming pool, are three of the hardest items in the budget. He said that the Council would discuss these items further, but to remember that anything put back in the budget has to be taken out somewhere else.

Lori Wray – city resident, said that she was concerned about the five unpaid holidays. She suggested using the 40-hours on days throughout the year instead of on holidays, and in that case, an employee could do an odd job to make up the difference for the loss in pay. Mrs. Wray said that limiting the 40-hours to holidays, that depending on the job of an employee that it might be hard for an employee to get off. Mrs. Wray also mentioned the hours of the swimming pool that it is sometimes difficult for people to go swimming. She said

that she agrees with Ms. Waters' reasons for closing the pool as a way to save money for the City.

There being no questions from the Council, Mayor Mullinax closed the public hearing, and called the Council meeting back into session.

Mayor Mullinax announced that the next Budget Work Session is scheduled for Thursday, June 3, 2010 at 5:15 p.m. in the Council Chambers. He said that the Council would have an opportunity to express their opinions on the budget.

ITEM 6. **COMMENTS FROM THE PUBLIC: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):**

Mayor Mullinax asked if there was anyone in the audience who wanted to speak on a non-agenda item, and no one appeared to speak.

ITEM 7. **OLD BUSINESS:**

None.

ITEM 8. **NEW BUSINESS:**

A. Presentation of the North Carolina Association of Municipal Electric Systems Award (NCAMES) to the Newton Electric Department Staff by David Young from ElectriCities of North Carolina

City Manager Todd Clark introduced David Young from ElectriCities of North Carolina and welcomed him to the meeting.

Mr. Young thanked the Mayor and Council for the opportunity to make a special presentation to the Staff. Mr. Young said that during the annual North Carolina Association of Municipal Electric Systems meeting, the City of Newton Electric Department received the ElectriCities' Safety Award for having no lost time injuries while performing electric system operations during the entire year.

Mr. Young said that the City of Newton's Electric Department had no lost days due to an injury. Mr. Young said that the City of Newton and the other the ElectriCities members, as a group, had the lowest accident rate on record in the last fifteen (15) years. He said that this is an excellent safety achievement through careful training working towards safety. Mr. Young complimented Director of Public Works and Public Utilities Wilce Martin and Assistant Director of Public Works and Public Utilities Doug Wesson and their Staff for being safety conscious and committed to following safety policies and procedures. Mr. Young said that Mr. Wesson has also been very instrumental in providing OSHA training for the Electric Staff on a very special topic in the electric field - "Arc Flash in clothing."

Mr. Young presented the ElectriCities' Safety Award to Director of Public Works and Public Utilities Wilce Martin and Assistant Director of Public Works and Public Utilities Doug Wesson for their and the Staff's accomplishments.

Mayor Mullinax congratulated Mr. Wesson and Mr. Martin on the receipt of the award and thanked them for developing and improving safety and training programs for the Staff, and to keep up the good work.

Mr. Young also recognized Assistant Director of Public Works and Public Utilities Doug Wesson for his commitment as President and planner (NCAMES Group) for the Lineman's Rodeo activity sponsored by ElectriCities of NC and recently held at the Hickory American Legion Fairgrounds in Newton.

Mr. Young thanked Mr. Wesson for his work with the group and stated that it was a good year's work.

B. Carolina Thread Trail Update

Assistant Planning Director Alex Fulbright reported that the planning for the Carolina Thread Trail is nearing completion within Catawba County. Mr. Fulbright said that he is serving on the Carolina Thread Trail Steering Committee representing the City of Newton. He said that the Committee is hosting a series of public forums during the week of June 14 through June 17 at various locations which are:

June 14, 2010 – 6-8 pm – Sherrills Ford Elementary School – Sherrills Ford, NC

June 15, 2010 – 6-8 pm – Newton Depot – Newton, NC

June 16, 2010 – 6-8 pm – Highland Recreation Center – Hickory, NC

June 17, 2010 – 6-8 pm – Mountain View Elementary School – Hickory, NC

Mr. Fulbright informed the Council that a forum would be held at the Newton Depot on North Main Avenue on June 15, 2010 beginning at 6:00 p.m. until 8:00 p.m. All forums are open to the public to receive input from the citizens about the proposed route through Newton and Catawba County.

Mr. Fulbright displayed a map showing the proposed route through Newton of the Carolina Thread Trail route which he said is conceptual and after the plan is adopted, that specifics of the trails location would be addressed resulting ultimately in construction of the Thread Trail system.

Mr. Fulbright answered general questions such as; if the route is physically built and how long would it take to construct it, and would there be the use of the railroad track, etc. Mr. Fulbright said that the trail is a long-term project which is expected to take up to thirty (30) years to reach completion, and that the use of the North Carolina Department of Transportation's railroad right-of-way is not currently an option due to restrictions on the use of their railroad right-of-way.

Mayor Mullinax recommended that a large map be placed in the Planning Department where the Council and citizens can come by to review it and ask additional questions if necessary. No action was taken, as none was required.

C. Consideration of draft Land Development Design Standards Manual (Manual of Specifications)

Planner Ben McCrary reported that the draft Land Development Design Standard Manual (Manual of Specifications) is a large document, which includes revisions of the original Manual of Specifications, adopted in 1988. Mr. McCrary said that the document brings together policy changes that have occurred since the 1988 adoption and updates land development, water, and sewer system details to bring them in line with existing construction practices.

Mr. McCrary said that various City departments have worked collectively on the document and there are plans to hold a public hearing in the future. Mr. McCrary said that the Planning Commission has reviewed the document, has held a public hearing, and is now recommending it to the Council for review and approval.

Due to budget obligations at this time, Council Member Tom Rowe recommended that the Council wait until August 2010 to have a work session on the draft Land Development Design Standards Manual (Manual of Specifications).

Mayor Mullinax asked Mr. McCrary if the Home Builders Association has been offered an opportunity to review the Manual of Specifications, which Mr. McCrary said that it was the Staff's desire to have the Council review it first. Mayor Mullinax recommended that the Staff allow the Home Builders Association to review the document, and then later schedule a work session with the Council as recommended.

D. Presentation of the new Arc Flash Regulations

Director of Public Works and Public Utilities Wilce Martin gave a brief description of Arc Flash as being a short circuit through air that flashes over from one exposed live conductor to another conductor or to the ground. He said that Arc Flash incidents are common and costly and the frequency of reported accidents is increasing –thus making arc flash a very important topic within OSHA and the overall safety industry. Director of Public Works and Public Utilities Wilce Martin stated that according to reports, five to ten arc flash explosions happen in the United States every day, resulting in one to two deaths per day.

Director of Public Works and Public Utilities Wilce Martin described how arc flash happens and said that there are two different types of regulations that are being enforced today, (1) for employer facilities, and (2) for electrical distribution systems. He said that Human Resources Director Teresa Laffon recently had Compliance Training Associates to do on-site visits to each City facility to identify all of the electrical panels and controls that needed to be labeled for arc flash warnings.

Assistant Director of Public Works and Public Utilities Doug Wesson showed a uniform to be used that has an effective arc rating not less than the anticipated level of arc energy or when working on high voltage electrical lines. He said that the City has contracted with Southeastern Consulting Firm to prepare a study on Arc Flash and because of that study, the firm recommended that the City Electric Staff comply with OSHA (Occupational Safety and Health Administration) and NESC (National Electric Safety Code) work rules.

There was a brief discussion on the new regulation for shutting down industries and businesses at any time. Mayor Mullinax asked if the City has shut down businesses and have the businesses been told this could happen. Assistant Director of Public Works and

Public Utilities Doug Wesson said that the Staff just recently received the study back from the Southeastern Consulting Firm and is in the process of learning the requirements, procedures, and working on the process to perform the duties.

City Manager Todd Clark said that the Staff would do everything possible to alert the citizens of the new rules, especially in the case of an emergency. He said that all electrical utility agencies are involved with the Arc Flash regulations. Mayor Mullinax urged the Staff to make sure that many public relations efforts are made.

Director of Public Works and Public Utilities Wilce Martin said that this is another serious regulation that the City has to comply with and that the report presented was for information only.

E. Consideration to award bid for Street Resurfacing Contract for Fiscal Year 2009-2010

Director of Public Works and Public Utilities Wilce Martin reported that the proposed Fiscal Year 2009-2010 Powell Bill Budget was \$425,000 of which the City of Newton only received \$130,000 or 30% of the budget for resurfacing city streets. Mr. Martin said of the \$130,000, Staff had to use approximately \$5,000 for repairs of a street leaving a total of \$124,000 for resurfacing projects in this fiscal year.

Mr. Martin said that the Staff received bids from four vendors for the resurfacing project of which only two vendors responded. He said that the Staff is prepared to move forward with resurfacing sixteen (16) of the twenty (20) streets for \$122,425 out of the remaining \$124,000. Mr. Martin said that though the quotes from the two vendors were more than the remaining budget of \$124,000, the City has the right per the proposal document to select any or all of the streets listed to fund for the quoted prices, and recommended Carolina Paving from Hickory, NC.

Council Member Wayne Dellinger questioned the streets recommended for resurfacing and requested that the Staff check on Shady Lane. Mr. Martin said that the remaining streets would be considered next year.

Council Member Robert C. Abernethy, Jr. asked if recycled asphalt is acceptable for the resurfacing projects. Mr. Martin said that recycled asphalt is acceptable if milling is done to fill-in the cracks, but recycled asphalt would not be used in this resurfacing project.

A motion was made by Council Member Wayne Dellinger, seconded by Council Member Tom Rowe, and unanimously adopted to approve the Fiscal Year 2009 -2010 Street Resurfacing Project for \$124,000, and recommended to award the bid to Carolina Paving who submitted the lowest, qualified quote.

ITEM 9. CITY MANAGER'S REPORT:

City Manager Clark reported on the following:

- Reported that the Finance Department proposes to "Go Live" with the New World Utility Billing System on June 13, 2010.

- Reported that a generator is being installed at Fire Station #3 and should be completely installed by the end of this week.
- The Fire Department received a grant from the Federal Government for an Exhaust System for all three fire stations and currently being installed.
- Reported that a storm drain on East A Street collapsed and repairs are currently being made for \$40,000, which was paid from the operating budget - money set aside to accommodate a shortfall that was anticipated for June 30, 2010.
- Reported that the 4KV to 24 KV Conversion in the downtown area is completed and the clean-up work should be finished within two weeks.
- Applied for a Main Street Solutions Grant and informed the Council that the City was not a recipient of that source for funding. Nevertheless, the Staff will continue to look for every opportunity to assist the DNDA.
- The City was successful in receiving an Energy Efficiency Conservation Block Grant for \$63,303. \$53,303 is awarded through the Department of Commerce ARRA Program, requiring a \$10,000 match from the City. The Staff is working with Electricities of NC for assistance with the match funding. If not successful, the Staff will come before Council for a \$10,000 request from the Electric Fund to comply with the match requirement. This project would retrofit ten (10) City facilities with energy efficiency lighting, which goes towards the City's goal to going green, being more conservative, and saving taxpayers' money.
- The Planning and Economic Development Department finished the re-certification process for the City's Soil Erosion Program. The Staff was notified from the State that the City is certified to continue the Soil Erosion Program.
- Informed the Council that Chief Brown has purchased new cars for the Police Department and they are slightly different. The new cars have the city seal on the side and are very nice looking. A car was on display in the City Hall parking lot.

ITEM 10. QUESTIONS AND COMMENTS FROM MAYOR AND COUNCIL:

None.

ITEM 11. CLOSED SESSION TO CONSULT WITH THE CITY ATTORNEY – G.S. 143-318.11 (a) (5) (i):

Mayor Mullinax stated that the Council needed to have a Closed Session to consult with the City Attorney.

A motion was made by Council Member Wayne Dellinger, seconded by Council Mary Bess Lawing, and unanimously approved that the Council go into Closed Session.

After the Closed Session, Mayor Mullinax called the Council meeting back into regular session. No action taken.

ITEM 12. ADJOURNMENT:

There being no further business to discuss, Mayor Mullinax recessed the June 1, 2010 regular Council Meeting until 5:15 p.m. on Thursday, June 3, 2010 in the Council Chambers at City Hall for the fifth Fiscal Year 2010-2011 Budget Work Session.

Respectfully submitted by:

Robert A. Mullinax, Mayor

Beunice R. (Bootsie) Roberts, CMC/City Clerk